

MEMORIAL

OF THE

PRINCIPAL CHIEF AND HIS ASSOCIATES, REPRESENTA-
TIVES OF THE CHEROKEE NATION OF INDIANS.

PRAYING

That the President be authorized to purchase that portion of their territory known as the "neutral land."

MAY 23, 1860.—Referred to the Committee on Indian Affairs and ordered to be printed.

To the honorable the Senate and House of Representatives of the United States of America:

The memorial of the undersigned, the principal chief of the Cherokee nation of Indians, and his associates, representatives of the Cherokee nation of Indians, duly authorized and appointed as such by an act of the council of the said Cherokee nation, most respectfully represents:

That they, and the Cherokee nation that they have been instructed to represent, have heard with great regret that a portion of the land that the Cherokee nation holds under a patent in fee simple from the United States has, by an act of Congress passed _____, been included within the territorial limits of the Territory of Kansas. That before the said Territory of Kansas was organized, the people of the Cherokee nation, through their representatives assembled in general council, held at Talequah, on the 29th day of November, 1851, prepared and forwarded to the President of the United States, and through the superintendent of Indian affairs, Colonel John Drennen, to be laid before the proper department of the government, the receipt of which was duly acknowledged, their protest against the occupation of their territory by white intruders, to which no notice, to their knowledge, has been given; notwithstanding this protest on file, Congress passed an act establishing the Territory of Kansas, and included therein a part of the Cherokee lands; and that now the Territory of Kansas are seeking by an act of Congress to be admitted as a State into the Union, with such limits as will include a considerable portion of the Cherokee nation. The Cherokee people are just recovering from their losses brought on them by their forced removal from within the limits of an organized State; and at the time of their last removal they, as a people, had been greatly harassed and troubled by

the laws passed by the State in which they lived, and which the general government had no power to prevent; and one of the powerful causes which induced the making of the treaty of 1835 was that, by the fifth article thereof, it was provided "That the United States hereby covenant and agree that the lands ceded to the Cherokee nation in the foregoing article shall in no future time, without their consent, be included within the territorial limits or jurisdiction of any State or Territory, but they shall secure to the Cherokee nation the right, by the national councils, to make and carry into effect all such laws as they may deem necessary for the government and protection of the persons and property within their own country." And as they were removed beyond the territorial limits of any of the States of the Union, they had hoped they would be free from the interference of the whites until such time as, having made great progress in civilization, the government would organize them into a Territory, and give them a delegate in Congress, as they pledged themselves to do by the seventh article of the same treaty. But by the act creating the Territory of Kansas as its limits are prescribed, it will be seen that the most sacred rights, secured by solemn treaties to the Cherokee nation, have been violated and invaded under the sanction and authority of Congress by the territorial organization of Kansas; and it is sought still further to violate them by admitting Kansas as a State into the Union. The Cherokee people are greatly embarrassed by the anomalous position in which their national rights and interests are likely to be placed by these extraordinary proceedings; and as to the question how the impending collision and difficulties, growing out of the exercise of conflicting jurisdiction of the nation included within the limits of Kansas, are to be averted, it is for the government to determine.

Feeling safe and secure, under the guarantee of the United States, that they were now settled for all time in a home to which their people were becoming attached, and although that portion of their country included within the territorial limits of Kansas is somewhat detached from that portion of their land upon which most of the Cherokees reside, and the Cherokees having an ardent desire to cultivate and preserve the most peaceful and friendly relations with all men, and more particularly with their white brethren, and fearful that conflicting jurisdiction will not prove favorable to peaceful relations, so soon as the limits of Kansas were extended over a portion of their territory, the national council determined to offer to retrocede the neutral land to the United States. On applying to the authorities in Washington for the purpose of making a treaty for the sale of this land, and assuring them that this offer was only made on account of the peculiar situation of that property, and that the council directed that the proceeds of that land should be added to their former investment for school, orphan, and national purposes, they were surprised to be told that the Senate of the United States had passed a resolution that no treaty for the purchase of land with an Indian tribe should hereafter be made unless authorized by the Senate. Under these circumstances it is the duty of the undersigned, and the best interest of their nation would seem to demand of them, that they should, in the name of the Cherokee people, respectfully protest against the incorporation into the

limits of Kansas of any portion of their country, which by solemn treaty is secured to the Cherokees, and which cannot, without great interference in their rights, be incorporated within the territorial limits of any State or Territory of the United States without the consent of the nation. The undersigned need not to revert to the past history and present condition of their people for the purpose of contrasting the dark shade of their primitive state with that of the light of the dawning day which through the effulgent rays of Christianity and education now shines upon their pathway to civilization and refinement, and to avoid the possibility of an encroachment upon the rights of our people by the admission of Kansas with the territorial limits which she is seeking, the undersigned most respectfully suggest that the Senate pass a resolution authorizing the President to purchase, on such terms as is just and equitable from the Cherokee nation, that portion of their territory known as the "neutral land." But if the Senate decline to do this, then the undersigned respectfully ask that Congress, if it determine to admit Kansas, will strike from the bill all that portion of its territorial limits that has been by treaty secured to the Cherokee nation. And your memorialists, as in duty bound, will ever pray, &c.

JNO. ROSS,
JOHN DREW,
P. M. BENGE,
THOMAS PEGG,
Cherokee Delegates.

MAY 23, 1860.

